

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Silviano Christman

Write the first and last name of each plaintiff or petitioner.

Case No. 20 CV 8124

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-against-

Robin Collins, Warden, North  
Infirmary Command

Write the first and last name of each defendant or respondent.

DECLARATION

Silviano Christman affirms under

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment," or "in Response to Order to Show Cause."

I, Silviano Christman, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

On 10/14/2014, i pled guilty to attempted bank robbery, bank fraud & attempted bank fraud and sentenced to 40 months imprisonment & 5 yrs Supervised Release. Although i did plead guilty, i did so coercively as a result of my then attorney's threats that if i took this case to trial, i would lose & sentenced to a life term. She did

not explain how the Guidelines worked nor did she conduct any type of investigation, nor explain jury trials & how they worked - my right to such trial, evidence allowed, my right to testify or did she do anything beyond "telling" me to "cop out" or spend a life in prison when i entered my plea, she further told me what to say, how to say it & explained i must be convincing or the court would not take my plea. At sentencing, i explicitly told counsel to appeal - i did not know how the process worked at that point. She told me disingenuously she would but it would take years to go through. It was not until after the time to file a § 2255 petition had passed, did i learn that counsel failed to file such notice of appeal. I thus request a Fuller remand for entry of a new judgment to replace the existing judgment so i can appeal, pursuant to U.S. v. Fuller, 332 F.3d 60 (2d Cir. 2003) in light of Roe v. Flores-Ortega, 528 U.S. 470 (2000) & Gacza v. Idaho, 139 U.S. Ct. 738 (2019) & its progeny; U.S. v. Medley, 300 Fed. Appx 14 (2d Cir. 2008); McGee v. U.S., 2006 U.S. Dist. Lexis 32199 (D.Conn) (5/16/06). If this Court fails to do so, i would be exposed to the risk that i would be subject to the stringent standards applicable to a second or successive 2255 petition - leaving my current judgment in tact.

Attach additional pages and documents if necessary.

12/16/2020

Executed on (date)

Silviano Christman

Name

1500 Hazen street      E Elmhurst      N.Y.      11370

Address

City

State

Zip Code

IV/p  
Telephone Number (if available)

E-mail Address (if available)

Silviano Christman

Signature

3491903612

Prison Identification # (if incarcerated)

Silviano Christian  
34919036#2

NIC

1500 Hanover Street  
Elmhurst NY

11370#

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